



State of Arizona
Department of Education

Tom Horne
Superintendent of
Public Instruction

MEMORANDUM

DATE: May 11, 2009 **SPED 09-08**

TO: Special Education Directors

FROM: Colette E. Chapman, Deputy Associate Superintendent
Exceptional Student Services/Arizona Department of Education

SUBJECT: PEA Determination as Required by the US Office of Special Education Programs —
Final Results

IDEA '04 requires that each state make a determination for all public education agencies of their performance on identified special education criteria. After providing for a period of review, the final determinations have been completed and mailed to the individual PEAs. As noted in the preliminary memo, the scoring method has been modified from previous years to provide a greater degree of detail. The percentage of possible points earned results in the determination label as follows:

- Meets requirements: 90% or greater
- Needs assistance = 50-89%
- Needs intervention = 20-49%
- Needs substantial intervention < 20%

IDEA 300.600, in conjunction with 300.604, articulates the enforcement actions the state must take if an agency does not meet the requirements. These actions are:

- Needs assistance for two consecutive years: Advise the agency of available sources of technical assistance, direct the use of IDEA funds, and/or identify the agency as a high-risk grantee and impose special conditions on the agency's IDEA grant;
- Needs intervention for three or more consecutive years: Require the agency to prepare a corrective action plan and/or withhold, in whole or in part, any further payments to the agency under Part B of the IDEA;
- Needs substantial intervention: At any time, withhold, in whole or in part, any further payments to the agency under Part B of the IDEA.

For FFY07, 457 Arizona PEAs met requirements while only 106 PEAs fell into the "Needs Assistance" level. Of those 106, 32 are in "Needs Assistance" for the second consecutive year and an additional 59 failed to meet requirements for the third consecutive year. The final determination memorandum sent to these PEAs includes information regarding the enforcement actions to be taken and any additional tasks they will be required to complete as part of the correction of noncompliance.